

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

U.S. DISTRICT COURT
DISTRICT OF IDAHO

JUL 26 2004

LODGED M. REC'D
FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS VELASQUEZ-ORTEGA,

Defendant.

CASE NO. CR 04-136-S-BLW

REPORT AND RECOMMENDATION

On July 26, 2004, Defendant Carlos Velasquez-Ortega appeared before the undersigned United States Magistrate Judge to enter a change of plea pursuant to a written plea agreement. The Defendant executed a written waiver of the right to have the presiding United States District Judge take his change of plea. Thereafter, the Court explained to the Defendant the nature of the charges contained in the applicable Information (Docket No. 1), the maximum penalties applicable, his constitutional rights, the impact that the Sentencing Guidelines will have, and that the District Judge will not be bound by the agreement of the parties as to the penalty to be imposed.

The Court, having conducted the change of plea hearing and having inquired of the Defendant, his counsel, and the government, finds that there is a factual basis for the Defendant's

guilty plea, that he entered it voluntarily and with full knowledge of the consequences, and that the plea should be accepted.

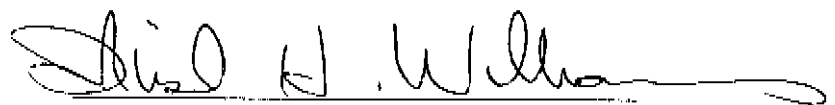
RECOMMENDATION

Based upon the foregoing, the Court being otherwise fully advised in the premises, the Court hereby **RECOMMENDS** that:

1) The District Court accept Defendant CARLOS VELASQUEZ-ORTEGA'S plea of guilty to Counts ONE and TWO of the Information (Docket No. 1), and that a pre-sentence report be ordered.

Written objections to this Report and Recommendation must be filed within ten (10) days pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(b), or as a result of failing to do so, that party may waive the right to raise factual and/or legal objections to the United States Court of Appeals for the Ninth Circuit.

DATED: July 26, 2004.

A handwritten signature in black ink, appearing to read "Mikel H. Williams", with a long horizontal flourish extending to the right.

MIKEL H. WILLIAMS
UNITED STATES MAGISTRATE JUDGE

United States District Court
for the
District of Idaho
July 27, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cr-00136

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

☒ Chief Judge B. Lynn Winmill
☐ Judge Edward J. Lodge
☐ Chief Magistrate Judge Larry M. Boyle
☒ Magistrate Judge Mikel H. Williams

Visiting Judges:
☐ Judge David O. Carter
☐ Judge John C. Coughenour
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 7-27-04

BY: 
(Deputy Clerk)